

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

Donald B. Cook, Facilitator #1;)
Facilitator #2; Facilitator #3;)
Facilitator #4; Facilitator #5;)
Facilitator #6; Facilitator #7;)
)
Plaintiffs,) Case No. _____
)
Vs.)
)
The United States of America.)
)
Defendant.)
)

**PETITION FOR REVIEW OF PROPOSED “MONETARY CONSTRAINTS POLICY”
AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA**

NATURE OF ACTION

1. This is a request by the Plaintiffs for judicial review and comment by the Court on the Proposed “Monetary Constraints Policy” Amendment to the Constitution of the United States of America.

JURISDICTION

2. The Jurisdiction of the court is invoked under the authority of “ARTICLE III, Section 2. (1)” of The Constitution of the United States of America which extends to all cases arising under this Constitution.

3. This case involves amending the Constitution under “ARTICLE V” of The Constitution of the United States of America and hence, raises federal questions.

VENUE

4. Venue within the above-named court is proper in that the United States of America is a defendant in this case.

PARTIES

5. The first Plaintiff, Donald B. Cook, Facilitator #1, 1057 Waverly Street, Eugene, Oregon, 97401 is properly named as the Plaintiff in this action, as it is he who wrote the proposed amendment and it is he who seeks a judicial review in this matter.

6. The second through the seventh Plaintiffs are properly referred to as Plaintiffs in this action in that upon the incapacitation, incarceration or death of the first facilitator, the second facilitator will assume the responsibilities of the first. Upon the incapacitation, incarceration or death of the second facilitator, the third will assume the responsibility, and so on. Each of the facilitators have individually chosen their own replacement, and the identity of each of the replacement facilitators is to be kept secret for personal security reasons. Having chosen his own replacement, the first facilitator knows the identity of the second facilitator, but does not know the identity of the other five facilitators. All seven facilitators are to have legal standing before the Court.

7. The Defendant, The United States of America, is properly named as the Defendant in this case because the requested judicial review concerns the amending of it's constitution and significant changes in the operation of the Federal Government.

BACKGROUND FACTS

8. During the past two-hundred and twenty some years, there have been over seven- thousand proposed amendments to the Constitution. All of these proposals have been generated through and from the Congress under Article V of the Constitution. No proposed amendment has ever been generated from the State Legislatures called for under Article V as the alternate process of proposing Constitutional Amendments. In this Nation's history, only 26 proposed amendments to the Constitution have been ratified by the States and the first ten of those were the Bill of Rights...

9. Is this proposed amendment necessary? Is this proposed amendment the proper way to deal with the national debt, deficit spending, reducing the size of government, etc. The simple answer is no, it is not. The proper way would be to have elected national leaders who are accountable for their actions and take responsibility in operating the Federal Government. But, political realities dictate that these individuals pursue courses of action which ensure their re-election rather than those which promote responsible government. It is much more profitable and far easier to serve lobbyists and large campaign donors than it is to serve the common citizen. A derivative of the passage found in the fifth chapter of the Book of Daniel applies..."They have been weighed in the balance and found wanting...."

10. Is it implied that all of our nationally elected officials are corrupt and self-serving? The answer is no. During the past two attempts in the Congress to pass a balanced budget amendment and refer it to the States for ratification, each time the attempts failed by just a few votes short of the required two-thirds majority in both Houses of the Congress. This implies that at least a simple majority of the members of Congress support a balanced budget amendment. But, what was lacking from those Proposed Amendments was a game plan on how to administer the amendment once it was ratified. The proposed amendment offers a realistic approach to balance the budget, pay off the national debt and require the Congress to be accountable for their actions.

11. Many so-called "Constitutional Experts" will argue that the Constitution was written in vague language in order for the courts and the Congress to use implied powers in managing the government negating the need to be continually amending the

Constitution. The “Father of the Constitution”, James Madison stated, “In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce.” These “Experts” will further argue that they have studied the Federalist Papers, The Constitution, etc. and they know what the framers of the Constitution were thinking and what they would do with today’s problems.

The pendulum continually swings through the ages, but the simple fact remains that this Constitution has been prostituted in ways which the Founding Fathers could never have imagined or envisioned; from the Constitutional rights for abortion on demand to color television for prison inmates; from taking God out of every aspect of the public domain to allowing citizens to be tried twice for the same offense. And we wonder why our babies are killing each other. This proposed amendment may be more detailed and specific than the experts would like to see, but the need exists for the Congress to do specific actions within certain time frames.

12. The Court should recognize the functional relationship between the first three sections of this proposed amendment and Sections 4 and 5. Without Sections 4 and 5, the Congress would be free to continue operating in the same manner as before with no consequences for their actions. We now have a “three strikes and you’re out” rule with people on the wrong side of the law; the same would apply to members of Congress. If the Congress fails to lead after three years, they’re gone; plain and simple. This proposed amendment might be more aptly titled, “The Consensus Builder”, because like never before, the Congress is going to have to act together as a team, or they will be individually penalized and eventually dropped from the roster.

13. There is a need to further explain Section 14. which deals with social security. Presently, social security surplus's are commingled with the general fund. Under this proposed amendment, an accelerated equity growth program would be initiated. Not only would the social security surplus be placed into the Social Security Trust Fund, but also the yearly increases on national debt payments (Section 3.), 75% of any annual budget surplus (Section 2.), and the conversion tax (Section 9. (17)). Many factors will affect the growth of the Social Security Trust, but it is not unrealistic to expect that within 7 to 10 years the fund could reach the 3 trillion dollar mark. While there is no guarantee to this program, we ARE guaranteed that left in it's present position, the Social Security System will eventually become bankrupt.

14. After the Social Security Trust Fund reaches the 3 trillion mark, Section 14. calls for the establishment of individual Social Security Investment Accounts (SSIA's) for employees. But what does this mean to the average worker? Considering an 8% pull-off from the SSTF on a yearly basis, the amount contributed to the Social Security System from the Trust Fund would be approximately 240 billion dollars; well over half of what we are currently spending in all of Social Security system. This in turn would allow half of the current employer/employee contribution to be placed into the employee's Social Security Investment Account (SSIA). Take an individual who starting at age 20, works until age 65 (45 years) for minimum wage (\$6.00/hr.) all of his/her life. Assuming that 8% of his/her wages are placed into an SSIA at an 8% rate of return for those 45 years, upon retirement the worth of the Account would be \$444,776.00. If this same money were invested at 13.3% rate of return (average return during the past 72 years of the Pioneer Fund Class A share), at the end of 45 years, the account value

would be \$2,943,133.00 or almost 3 million dollars. The actual figure from a hypothetical on this fund with a start date of 09/30/1954 through 09/30/1999, reinvesting the interest and capital gains, with a 5.75% load fee and 12b-1fees of 0.25% and an average annual percentage of 13.14% would be \$2,083,420.00. This all done with a person making only minimum wage. There is a clear need for professional money managers to run this system and NOT the Congress.

15. Section 3. deals with paying off the national debt. The use of the bi-weekly payment program will amortize the debt so that it will be paid off in twenty-two (22) years verses thirty (30) years. This accelerated debt management program will save the taxpayer approximately 3.17 trillion dollars by paying off the national debt eight (8) years early. It is difficult to calculate the "growing equity mortgage" part of the equation for this section since during the early years all increases will be applied to the Trust Fund Accounts. But, if the total amount were applied to the debt, an average 1% increase would pay off the debt in approximately 18.4 years and an average 3% increase would pay off the debt in 13.8 years. Since the interest is already being paid each year on the national debt, the additional dollar amount of payments needed to apply toward the principle balance would only increase the total payment by approximately 3% to 5%.

16. Section 19. deals with federal intervention in individual states where non-citizens come to work and raise their families or to send money back home. This section is Not intended in any way to be disrespectful of these people; if it were not for their efforts, the economies in well over half the States would be devastated. We need to

take a different view in this area. Abraham Lincoln said, “He who has the heart to help, has the right to criticize”. If the Federal Government is hell-bent on helping these folks, it should equally be willing to financially assist the states in meeting their individual needs in a variety of ways.

17. Section 17.(3) provides the taxpayer the ability to resolve conflict with the Internal Revenue Service in a neutral setting with some degree of assurance that their rights will not be violated; and, at a price which most citizens can afford. This section is not intended to step on the jurisdictional toes of any sacred cow. But, there is also no need to reinvent the wheel here. The Small Claims Court System is in place throughout the land, is reasonably priced and can provide needed assistance to the taxpayer. If the IRS had properly performed their duties, this section would never have been needed, but...Extreme consideration should be given to this area because it would be the first time in this Nation’s history where a county court system had jurisdiction over settling disputes between a citizen and a federal agency.

18. Judicial Review for the proposed “MONETARY CONSTRAINTS POLICY” Amendment is not called for under ARTICLE V – AMENDING THE CONSTITUTION of THE CONSTITUTION OF THE UNITED STATES, so why is it being requested? The answer is simple. In making decisions on this proposed amendment, the Constitutional Convention members will require as much information as possible; the knowledge and wisdom a judicial review could provide would prove invaluable. If problems or circumstances could arise from any section in this proposal, they should be dealt with

sooner than later. Timing is the key here. It should be noted that in the areas of balancing the budget, paying off the national debt, and energizing the Social Security System two problems are apparent: (1) WE ARE RUNNING OUT OF TIME, and (2) WE ARE RUNNING OUT OF OPTIONS...

19. Addressing the gray area of the legal precedence for the judicial review of a proposed constitutional amendment, the Court should be aware of the fact that this amendment is but the first of two amendments. Upon ratification of the first amendment by three-fourths of the state legislatures, a second amendment will be proposed. It will cover a variety of subjects such as (1) campaign finance reform, (2) mandatory funding for an SDI program, (3) removing the Federal Government, lawyers and HMO's from the practice of medicine and restoring the responsibility for health care back to doctors and professional health care workers and (4) eliminating the role of the Federal Government in education and other aspects of the economy where control would be at the State and local level. There is a great deal at stake here for our children, grandchildren and future generations. We need to start doing the RIGHT thing at the RIGHT time which is RIGHT now...

20. This e-mail was received from Austin at Z Media <info-quote@zmedia.lyris.net>. It somehow seems quite appropriate....

“THE BUDGET SHOULD BE BALANCED. PUBLIC DEBT SHOULD BE REDUCED. THE ARROGANCE OF OFFICIALDOM SHOULD BE TEMPERED, AND ASSISTANCE TO FOREIGN LANDS SHOULD BE CURTAILED, LEST ROME BECOME BANKRUPT.”

--MARCUS TULLIUS CICERO--

REQUEST FOR REVIEW

WHEREFORE, based upon all of the foregoing, Plaintiffs request judicial review by the Court for this proposed amendment and under the following considerations:

1. That denial of this request (if denied) be forwarded in writing to the executive committee of the Constitutional Convention, or (in the event no state legislature has voted to refer the application to the Congress) to the Staff at the National Governors Association, Hall of States, 444 North Capitol Street, Washington, D. C., 20001-1512.

2. That if this request is granted, the Court notify the appropriate party described in the previous paragraph detailing when the review will be accomplished.

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